

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 1:18-cv-24227-CMA

JASON MILLER,

Plaintiff,

v.

GIZMODO MEDIA GROUP, LLC,  
a Delaware Corporation, KATHERINE  
KRUEGER, individually, and  
WILL MENAKER, individually,

Defendants.

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**PLAINTIFF'S MOTION FOR LEAVE TO FILE  
UNREDACTED DECLARATION OF "JANE DOE" UNDER SEAL**

Plaintiff, Jason Miller ("Miller"), pursuant to Local Rule 5.4 and paragraph 11 of the Confidentiality Order [Doc. 100], respectfully requests leave to file an unredacted version of the Declaration of Jane Doe<sup>1</sup> [Doc. 5-1] ("Unredacted Doe Declaration") under seal for the sole purpose of protecting the true identity of "Jane Doe," the alleged victim in the publication at issue, and in support states as follows:

In support of his Motion for Partial Summary Judgment on Falsity, Miller is relying upon the Declaration of "Jane Doe," a redacted version of which is attached to the Complaint [Doc. 5-1] Jane Doe's true identity is being protected in this case under Paragraph 11 of the Confidentiality Order [Doc. No. 100] which provides:

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<sup>1</sup> The actual declaration is already in the Court record [Doc. 5-1], redacted only as to the declarant's name and personal identifying information. Consequently, this Motion only seeks to file an unredacted version under seal so that "Jane Doe's" identifying information can be confirmed without public access.

11. **Jane Doe.** Other than for legitimate use prosecuting or defending this lawsuit, the parties agree to maintain the identity of "Jane Doe," her address, and her personal identifying information "Confidential" under this Order. **Any pleadings or other papers publicly filed in the court record shall not use "Jane Doe's" legal name** or disclose her address or other personal identifying information. If any party needs to disclose her name in a court filing, then the parties shall comply with the procedure outlined in Paragraph 7 before disclosing the identity of "Jane Doe," her address or her personal identifying information in any court filings or any public proceeding or hearing in this case.

(Emphasis added).

Jane Doe is an innocent bystander to this action – a woman whose identity has not been publicly revealed or connected to the false accusations about a sexual relationship with Miller, pregnancy, abortion pill in a smoothie, and resulting death of an unborn child. Through her declaration, Jane Doe verified that the accusations about her and Jason Miller are untrue and “ask[ed] that this completely fabricated story not continue to be repeated to anyone for any purpose as all of this is interfering with my life.” [Doc. 5-1 at ¶ 24]

In order to protect Jane Doe’s privacy and prevent her from being needlessly exposed to the publicity surrounding this case, Miller respectfully requests that he be permitted to file her unredacted Declaration under seal.

The public right of access to court files must be balanced against competing interests, such as privacy rights. *Rosbach v. Rundle*, 128 F.Supp.2d 1348, 1351-52 (S.D. Fla. 2000) (citations omitted). It is appropriate to seal certain records when they contain highly sensitive and potentially embarrassing personal information about individuals. *Id.* at 1352 (citations omitted). And when the sensitive information pertains to non-parties, balancing their privacy over public access is strengthened. *Id.*

Accordingly, Miller respectfully requests that he be permitted to file the Unredacted Doe Declaration under seal, and that it be maintained under seal for a minimum of one-year after the

resolution of any appeals in this matter, at which time the proposed sealed filing should be destroyed.

**WHEREFORE**, Plaintiff, Jason Miller respectfully requests an Order granting Plaintiff leave to file the Unredacted Doe Declaration under seal.

**LOCAL RULE 7.1(a)(3) CERTIFICATION**

In accordance with S.D. Fla. L.R. 7.1(a)(3), Plaintiff's counsel conferred with Defendants' counsel and Defendants do not oppose this request.

Dated: June 27, 2019.

/s/ Shane B. Vogt

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 27, 2019, the foregoing document was filed with the Court's CM/ECF system, which will send electronic notice to all counsel of record.

/s/ Shane B. Vogt

Attorney